

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

BIANCA JOHNSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION FILE NO.
	)	
GREYSTAR REAL ESTATE	)	
PARTNERS, LLC; GS	)	
PEACHTREE	)	
PROJECT OWNER, LLC;	)	
BEHRINGER	)	
HARVARD PEACHTREE PROJECT	)	
OWNER, LLC; AND JOHN DOES 1-3,	)	
	)	
Defendants.	)	

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**NOTICE OF REMOVAL**

Pursuant to 28 USC Sections 1441 and 1446, Defendants GREP Southeast, LLC, improperly named as Greystar Real Estate Partners, LLC, GS Peachtree Project Owner, LLC, and Behringer Harvard Peachtree Project Owner, LLC, which is improperly named as it does not exist as an entity and is a prior iteration of Defendant GS Peachtree Project Owner, LLC, by their attorney, submit this Notice of Removal to the United States District Court for the Northern District of Georgia, and state the following in support of their Notice of Removal:

1.

Plaintiff filed this action against Defendants in the State Court of Gwinnett County on January 18, 2022. That action was designated as Civil Action File No. 22-C-00305-S4 (“Action”). A true and correct copy of Plaintiff’s Summons and Complaint (“Complaint”) is attached hereto as Exhibit “A.”

2.

Gwinnett County, Georgia, is within the Atlanta Division of the Northern District of Georgia.

3.

Defendant GREP Southeast, LLC, was served via its registered agent, CT Corporation Systems, on January 25, 2022, which is the earliest that Defendant GREP Southeast, LLC, could have received notice of this suit. Defendant GS Peachtree Project Owner, LLC, was served via its registered agent, CT Corporation Systems, on January 20, 2022, which is the earliest that Defendant GS Peachtree Project Owner, LLC, could have received notice of this suit. Defendant Behringer Harvard Peachtree Project Owner, LLC, was served via its registered agent, CT Corporation Systems, on January 20, 2022, which is earliest that Defendant Behringer Harvard Peachtree Project Owner, LLC, could have received notice of this suit. True and correct copies of the Service of Process Transmittal are attached

hereto as part of Exhibit “A.”

4.

Plaintiff is a resident of the State of Georgia. (See Complaint, ¶ 1).

5.

Defendant GREP Southeast, LLC, is now and was at the commencement of the Action a foreign entity organized and existing under the laws of the State of Delaware. (Id. at ¶ 2). Defendant GS Peachtree Project Owner, LLC, is now and was at the commencement of the Action a foreign entity organized under the laws of the State of Delaware. (Id. at ¶ 3). Defendant Behringer Harvard Peachtree Project Owner, LLC, does not exist as an entity.

6.

Defendant GREP Southeast, LLC’s principal place of business at the time of the Action was, and remains, 18 Broad Street, Suite 300, Charleston, South Carolina 29401. Therefore, Defendant GREP Southeast, LLC, is a citizen of South Carolina and not a citizen of Georgia for the purposes of diversity jurisdiction. Defendant GS Peachtree Project Owner, LLC’s principal place of business at the time of the Action was, and remains, 18 Broad Street, Suite 300, Charleston, South Carolina 29401. Therefore, Defendant GS Peachtree Project Owner, LLC, is a citizen of South Carolina and not a citizen of Georgia for the purposes of diversity of jurisdiction.

Defendant Behringer Harvard Peachtree Project Owner, LLC, does not exist as an entity.

7.

The Plaintiff seeks damages in this action for personal injuries alleged to have been sustained while on the premises of Defendants. As shown in Plaintiff's Complaint, the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. (Id. at ¶¶ 22, 32, and 44). Specifically, Plaintiff alleges itemized, special damages exceeding \$388,000. (Id.).

8.

The aforementioned Action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332 and accordingly, is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. § 1441, in that it is a civil action between citizens of different states in which the amount in controversy exceeds the sum of \$75,000 exclusive of interest and cost.

9.

True and correct copies of all process, pleadings, and orders that have been filed and/or served in connection with this Action, including Defendants' Answers, are attached hereto as Exhibit "A." Defendants have no knowledge of any other

process, pleadings, or orders that have been filed and/or served in connection with this Action other than those attached hereto.

10.

Defendants attach hereto a copy of Defendants' Notice of Filing Notice of Removal which has been sent for filing in the State Court of Gwinnett County, State of Georgia, marked as Exhibit "B."

WHEREFORE, Defendants pray that this case be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

Respectfully submitted this 18th day of February, 2022.

**HALL BOOTH SMITH, P.C.**

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*Counsel for Defendants GREP Southeast,  
LLC, GS Peachtree Project Owner, LLC,  
And Behringer Harvard Peachtree Project  
Owner, LLC*

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	)	
Defendants.	)	

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**CERTIFICATE OF SERVICE**

I hereby certify that I have, this date, served a true and correct copy of the within and foregoing **Notice of Removal** with the Clerk of Court using the CM/ECF system which will automatically send email notifications of such filing and a copy of the same filing to counsel of record as follows:

Eric L. Jensen  
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This 18th day of February, 2022.

**HALL BOOTH SMITH, P.C.**

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LLC, GS Peachtree Project Owner, LLC,  
And Behringer Harvard Peachtree Project  
Owner, LLC*